

REMARKS/ARGUMENTS

In an Office Action dated 30 November 2004, the Examiner stated that the wording "may be connected 121 to a test fixture" as found in replacement paragraph starting on page 9, line 27 is awkwardly worded. In addition, the Examiner objected to reference numeral 120 in Figure 10. Further, the Examiner rejected Claim 7 under 35 U.S.C. § 112, second paragraph as being indefinite. The Examiner also rejected Claims 5, 6, and 12 – 14 under 35 U.S.C. § 102(e) as being anticipated by Zweifhaft (U.S. Patent No. 6,614,611). The Examiner further stated that Claims 1, 2, 4, 7 – 9, 10, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112. Finally, the Examiner states that no terminal disclaimer was included with the response dated 04 October 2004.

Claims 1, 2, 4 – 10, and 12 – 15 are pending in the application. Applicant has carefully reviewed the Examiner's rejections and comments as well as the claims as amended in the previous response and correspondingly the Applicant provides the following remarks regarding same.

Regarding the specification, the Applicant has amended replacement paragraph starting on page 10, lines 20-33 by deleting test fixture 120 and adding test fixture 130 and amended replacement paragraph starting on page 9, line 27 to clarify and correct the connecting means 121.

Regarding the Examiner's objection to Figure 10, the Applicant has corrected Figure 10 by deleting reference numeral 120 and adding reference numeral 130.

Claim Rejections – 35 USC §112, Second Paragraph

Claim 7 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed. With respect to this rejection, the Examiner notes:

The following are not clear: "a distance...drive" (claim 7, lines 3-4).

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

Applicant has canceled Claim 7 to delete from Claim 7 and incorporated this limitation, without the language "a distance from a tape path with said tape drive," into

amended Claim 5.

Claim Rejections – 35 USC §102

Claims 5, 6, 12 – 14 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Zweighaft (U.S. 6,614,611). This rejection is respectfully traversed. With respect to this rejection, the Examiner notes:

The connecting means are deemed inherent since it is deemed that the tape drive 200 is inherently supported on some structure/"test fixture" such as a rack, a table, housing, et.... The detecting means reads on detecting means 213 which indirectly senses the positions of the leaders. The tape path extends between the cartridge reel 214 to the take-up reel 210; therefore, the detecting means detects in the tape path.

The Applicant has amended independent Claims 5 and 12 to correct and clarify that the at least one leader position detecting means detects the lateral position of the tape cartridge leader and/or takeup leader relative to said tape path as opposed to detecting the linear position of the tape cartridge leader and/or takeup leader within the tape path. (See page 6, line 1 – page 9, line 25) Specifically, "[r]eferring back to Figures 4 and 5, when the disconnection fails, takeup leader 106 remains buckled to tape cartridge leader 104, drawing takeup leader 106 away from the positioning lever 110 as the tape cartridge 102 is ejected from the tape drive 100. Thus, determining the position of takeup leader 106 following a disconnection operation provides a method for determining the connection status between takeup leader 106 and tape cartridge leader 104." (page 8, lines 23 – 29) In addition to the specification, Figures 3 – 5 clearly teach that the lateral position of either the takeup leader 106 and/or the tape cartridge leader 104 are being detected relative to the normal tape path of either.

Applicant has amended Claims 5 and 12 to clarify this limitation. Thus, it is believed that amended independent Claims 5 and 12 are allowable over Zweighaft, and that claims 6, and 13 – 14 are also allowable because they include all the limitations of their respective allowable amended independent claim. Therefore it is believed that Claims 5, 6, and 12 – 14 are allowable under 35 U.S.C. § 102(e). If the Examiner maintains this rejection, it is respectfully requested that the relevant portion of the disclosures be pointed out.

Terminal Disclaimer

Serial No. 10/678,781

Amendment And Remarks Responsive To
Office Action Mailed 30 Nov 2004

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Regarding the Examiner's rejection of Claims 5, 6, 12, and 14 under the judicially created doctrine of obviousness-type double patenting, the Applicant has attached a terminal disclaimer to overcome the Examiner's rejection based on nonstatutory double patenting, as Applicant's application and U.S. Patent No. 6,685,122 are both commonly owned.

Allowable Subject Matter

The Examiner states that Claims 1, 2, 4, 7 – 9, 10, and 15 would be allowable if they were rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph and to include all of the limitations of the base claim and any intervening claims. Applicant has canceled Claim 2 and amended Claim 1 to include all of the limitations of Claim 2, therefore Claim 1 is believed to be allowable. Further, Claim 4 is also believed to be allowable because it includes all the limitations of allowable amended independent Claim 1. Applicant has canceled Claim 7 and amended Claim 5 to include all of the limitations of Claim 7, therefore Claim 7 is believed to be allowable. Further, Claims 8 – 9 are also believed to be allowable because they include all the limitations of the allowable amended independent Claim 5.

Additionally, the Examiner states that the connection means 121 has no structure and that it is still deemed inherent as noted in the rejection above. Applicant has amended the specification to clarify that the sensing assembly may be connected by "connection means 121, such as a clamp or other fixture types, to a test fixture 120 130 and positioned above a tape drive 100 for testing repeated unbuckle operations." This is properly represented by the connection means 121 as depicted in amended Figure 10.

This addition to the drawings is not new matter as it was fully supported and described in the specification and claims in the originally filed application. (See Page 9, Line 27 through Page 10, Line 4 and Claim 5) Claim 5 states "...a connecting means for removable connecting said tape drive to said test fixture...." In addition to Claim 5, the noted section of the originally filed description above provide adequate support for the connection 121 and test fixture 120 in the amended drawings. As argued above, Applicant is conforming the drawing disclosure portion of the application to the original

claims and description without introducing new matter.

The Examiner further states that the detecting means 213 of Zweighaft (U.S. Patent No. 6,614,611) meets the claimed limitation. Claims 5, 6, and 12 – 14 have been rejected under 35 U.S.C. 102(e) as being anticipated by Zweighaft, US Patent No. 6,614,611 (hereinafter "Zweighaft"). This rejection is respectfully traversed. With respect to this rejection, the Examiner notes: "The connecting means are deemed inherent. The detecting means reads on detecting means 213 which inherently senses the positions of the leaders."

A claim is anticipated only if each and every element as set forth in the claim is found. (MPEP 2131) Independent Claim 5 is directed to a test fixture and includes the limitation of a "connecting means for removably connecting said tape drive to said test fixture;...." The "connecting means" in this limitation provides for the connection of the test fixture to the tape drive for the testing of repeated unbuckle operations between a tape cartridge leader and a takeup leader in a laboratory environment. (See Page 9, Lines 27-31) Zweighaft does not teach or hint at connecting a test fixture to a tape drive for testing of repeated unbuckle operations. The Examiner has not cited to a page or line number that justifies the inherency rejection of this limitation. The Examiner has not provided a basis in fact and/or technical reasoning to support his findings that that the allegedly inherent "connecting means" necessarily flows from Zweighaft. The limitation "connecting means" as disclosed and claimed in Applicant's application is not found or met in Zweighaft.

Further, the "detecting means 213" found in Zweighaft does not anticipate the detecting means disclosed and claimed in Applicant's application amended Claim 5. Specifically, the detecting means 213 found in Zweighaft determines the linear amount of takeup leader movement during a disconnect operation. (See Col. 5, Lines 23-39) Conversely, the detecting means disclosed and claimed in Applicant's application amended Claim 5, determines the lateral position of at least one of a tape cartridge leader and a takeup leader within a tape path. This determination is not based on the linear amount of tape traveled during a disconnect operation, but on the lateral position of the tape cartridge leader and a takeup leader within a tape path. (See Page 7, Line 3- through Page 8, Line 4) The limitation "detection means" as disclosed and claimed in

Applicant's application is not found or met in Zweighaft. Thus, Zweighaft does not teach either the connection means or the detection means elements set forth in presently amended Claim 5, therefore, a prima facie case of anticipation has not been established and Claim 5 is believed to be allowable. Claims 7 – 9 depend on Claim 5 and include all its limitations, therefore it is also believed to be allowable because it is dependent upon an allowable amended Claim 5.

In light of the amendments and remarks above, Applicant believes that Claims 1, 4 – 6, 8 – 10, and 12 – 14 are allowable and respectfully requests their reconsideration and allowance. The undersigned attorney requests Examiner Nguyen to telephone if a conversation could expedite prosecution. Applicant authorizes the Commissioner to charge any required fees to Deposit Account No. 50-1848.

Respectfully submitted,
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